

REMARKS

The Office Action mailed January 13, 2010, has been carefully considered.
Reconsideration in view of the following remarks is respectfully requested.

Canceled Claims

Claim 18 has been canceled without prejudice or disclaimer of the subject matter contained therein.

Rejection(s) Under 35 U.S.C. § 103(a)

Claims 5-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. pub. no. 2004/0202570 to Nadkarni (hereinafter, “Nardkarni”) in view of U.S. pat. no. 6,481,219 to Palermo (hereinafter, “Palermo”) and PCT. no. WO 03/089017 to Cumberland (hereinafter, “Cumberland”).

Claims 12 and 14-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni, Palermo and Cumberland as applied to claim 11 above, and further in view of EP pat. No. EP 0693289 to Hannant (hereinafter “Hannant”).

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni, Palermo and Cumberland as applied to claim 11, and further in view of U.S. pub. no. 2003/0127506 to Braun, Jr. (hereinafter “Braun, Jr.”).

Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni.

Claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni as applied to claim 18, and further in view of Palermo.

Claim 20 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni and Palermo as applied to claim 19, and further in view of Cumberland.

Claim 21 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni, Palermo and Cumberland as applied to claim 20, and further in view of Hannant.

Claims 22 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nadkarni, Palermo, Cumberland and Hannant as applied to claim 20, and further in view of Braun, Jr.

Independent claims 5 and 17, from which the remaining claims rejected under 35 U.S.C. § 103 variously directly or indirectly depend, have been amended to recite, for example according to claim 5, “...(b) selecting a room size from a menu of standard options; (c) activating, by a user, a timer on said portable ozone generator; (d) restricting access to said closed environment to prevent public access; (e) after expiry of said timer, generating gaseous ozone into said closed environment to a predetermined ozone concentration between 20 and 50 ppm,...” and according to claim 17, “a timer, said timer, once selected by a user, configured to actuate said gaseous ozone generation means after a delay thereby allowing said user to leave a closed environment.” Such features are not found in the applied prior art.

The present invention can be used in a large building with a number of similar rooms—for example, a hospital, cruise ship, or hotel. The invention as claimed in claim 5 affords the option to select a room size from a menu of standard options. An example of this would be in a hotel, where room sizes are largely standardized. The user can place the ozone generator in the room to be sterilized, and select the type of room from the menu (for example, “single”, “double” or “suite”). Nadkarni and Palermo do not consider portability at all, and while Cumberland does disclose selecting parameters based on the location to be treated, these are non-standard locations.

Another feature of the present invention is that it is intended to be easy and safe to use. Hence, when the ozone generator is turned on, a timer, present in both claims 5 and 17, is actuated giving the user, who is typically a member of the building’s housekeeping staff, an opportunity to leave the environment and restrict access to others. This feature is not disclosed in the prior art. Again, Nadkarni and Palermo do not deal with users entering the space being treated. Cumberland does not disclose the use of a timer to allow users to exit the area being treated before treatment begins.

Given the above, the applicant submits the application is in condition for allowance, which is respectfully requested.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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